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Tomonori Fujisawa

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EXAMINER

HASHEM, LISA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,503	Applicant(s) FUJISAWA ET AL.	
	Examiner LISA HASHEM	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12-22-08 have been fully considered but they are not persuasive.

Applicant argues that the prior art of Heredia fails to show '...the players do not directly communicate with each other, and can communicate through the server E...' and '...a network receiving section...' recited in independent claim 3. Examiner disagrees.

Heredia discloses in col. 7, lines 44-57 that each of the networked players software located on the CPU (i.e. software located on player A's CPU (Fig. 3, 330) and software located on player B's CPU (Fig. 3, 335)) can perform the same functions (i.e. voice data can be transmitted among each of the client computers of the players (elements: A, B, C, D) in Figure 1 in order for the players to communicate verbally with each other) as those described for the server E (Fig. 3, server) in the patent. Thus, the multiple players (elements: A, B, C, D) shown in Figure 1 can communicate directly with each other. Thus, server E is not needed for processing voice and/or data communications among the players, it is used to provide IP addresses of each player (col. 7, lines 44-57) and to relay or transmit voice and/or data among the client computers of the players who are participating in a game (col. 6, lines 11-16).

Heredia discloses '...a network receiving section...' in the network links and client computers including multimedia hardware and software are represented by elements: 110, 120, 130, 140, A, B, C, and D in Figure 1 and the network links and client computers including multimedia hardware/software represented by elements: 110, 120, 330, 335 in Figure 3 (col. 3, line 61 - col. 4, line 21). The network receiving section receives musical sound data for the

Art Unit: 2614

network game (i.e. receives audio data via the network links and provides audio processing via multimedia hardware/software in the client computer) (col. 5, line 29 - col. 6, line 16) and receives telephone message data (i.e. incoming voice and/or data received by the network links) (col. 2, lines 25-41; col. 5, lines 5-15).

Dependent claims 4, 5, and 8-10 depend on claim 3 and are rejected for the same reasons of anticipation as discussed for claim 3.

Thus, the prior art of Heredia discloses the claimed limitations in claim 3.

2. The rejections below have been restructured for clarity. Examiner did not change the ground of rejection, but has changed the argument of the rejections to reflect the new amendment of the claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “/” in claim 1, line 29 is used by the claim to mean “and”, while the accepted meaning is “either ‘and’ or ‘or’”. The term is indefinite because the specification does not clearly redefine the term.

5. Claim 1 recites the limitation "the terminal units" in lines 34-35. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 3, 4, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,241,612 by Heredia.

Regarding claim 3, Heredia discloses a network game terminal unit (Fig. 3: Player “A”, Player “B”) having a communication tool (i.e. multimedia hardware/software) enabling an Internet Protocol telephone (i.e. Internet telephony techniques and telephone calls can be placed over the Internet using a microphone (Fig. 3: 320, 325), speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”) (col. 2, lines 25-41; col. 5, lines 5-15) and a voice receiving section (i.e. multimedia hardware/software including networked players software on the CPU, speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”) (col. 5, line 29 - col. 6, line 16), wherein said voice receiving section comprises:

(Heredia discloses in col. 7, lines 44-57 that each of the networked players software located on the CPU (i.e. software located on player A’s CPU (Fig. 3, 330) and software located on player B’s CPU (Fig. 3, 335)) can perform the same functions (i.e. voice data can be

Art Unit: 2614

transmitted among each of the client computers of the players (elements: A, B, C, D) in Figure 1 in order for the players to communicate verbally with each other) as those described for the server E (Fig. 3, server) in the patent. Thus, the multiple players (elements: A, B, C, D) shown in Figure 1 can communicate directly with each other. Thus, server E is not needed for processing voice and/or data communications among the players, it is used to provide IP addresses of each player (col. 7, lines 44-57) and to relay or transmit voice and/or data among the client computers of the players who are participating in a game (col. 6, lines 11-16).) a game communicating section (i.e. speakers, microphone, keyboard, mice, monitors, audio recognition software) for sending and receiving program signals (i.e. voice or data) for controlling a network game (col. 2, lines 44-53; col. 4, lines 46-66; col. 8, lines 1-21);

a game control section (i.e. CPU) for controlling the network game based on the program signals (col. 4, line 63 – col. 5, line 4; col. 8, lines 1-21);

a participant Internet Protocol managing section (i.e. networked players software) for managing Internet Protocol addresses of participants in the game being provided, said participant Internet Protocol managing section being controlled by the game control section (col. 7, lines 44-57);

a network receiving section (i.e. the network links and client computers including multimedia hardware and software are represented by elements: 110, 120, 130, 140, A, B, C, and D in Figure 1 and the network links and client computers including multimedia hardware/software represented by elements: 110, 120, 330, 335 in Figure 3) (col. 3, line 61 - col. 4, line 21),

Art Unit: 2614

separated from the game communicating section, for directly receiving a plurality of incoming signals of telephone message data (i.e. incoming voice and/or data) (col. 2, lines 27-41; col. 5, lines 11-15; col. 5, lines 29-37; col. 6, lines 11-16; col. 8, lines 31-55);

a sorting section (i.e. multimedia hardware and/or software) for determining whether the received telephone message data includes a prespecified Internet Protocol address or not (col. 7, lines 44-57), and sending a plurality of the incoming signals of the telephone message sequentially, said sorting section being controlled by the game control section (col. 5, line 4 – col. 6, line 16; col. 8, lines 31-33);

a plurality of extending sections (i.e. channels) corresponding to the incoming signals, said plurality of extending sections receiving the plurality of the incoming signals from the sorting section and restoring the transmitted telephone message data (col. 6, line 55 – col. 7, line 6);

a synthesizing section (i.e. multimedia hardware and/or software) for synthesizing the plurality of the incoming signals of the restored telephone message data in the time-series mode, said synthesizing section being controlled by the game control section (col. 5, line 64 – col. 6, line 16);

a digital/analog converting section (i.e. multimedia hardware and/or software) for converting a digital signal in the synthesized telephone message data to an analog signal (col. 4, lines 63-66;

Art Unit: 2614

col. 5, line 4 – col. 6, line 64); and

a microphone and speaker Interface section (Fig. 3: 320, 380, 325, 385; i.e., microphone, speaker) as a connecting section to the communication tool (col. 4, lines 46-57 and lines 63-66),

wherein a plurality of players participates by the terminal units (Fig. 1: A, B, C, and D; Fig. 3: Player “A”, Player “B”) having the communication tool (i.e. multimedia hardware/software) enabling the Internet Protocol telephone (i.e. Internet telephony techniques and telephone calls can be placed over the Internet using a microphone (Fig. 3: 320, 325), speaker (Fig. 3: 380, 385), and multimedia computer (Fig. 3: 330, 335) of a player (Fig. 3: Player “A”, Player “B”) (col. 2, lines 25-41; col. 3, lines 61-66; col. 7, lines 44-57), and communicates directly among the players by controlling Internet Protocol addresses of the players (i.e. players connect to one another using their IP addresses) and selectively receiving a telephone message signal (i.e. voice data transmitted using Internet telephony techniques) including a specific Internet Protocol address (i.e. players connect to one another using their IP addresses) (col. 2, lines 27-41; col. 5, lines 11-15 and lines 29-52; col. 7, lines 44-57).

Regarding claim 4, the network game terminal unit according to claim 3, wherein Heredia discloses the network receiving section receives musical sound data for the network game (i.e. receives audio data via the network links and provides audio processing via multimedia hardware/software in the client computer) (col. 5, line 29 - col. 6, line 16) together

with the telephone message data (i.e. incoming voice and/or data received by the network links) (col. 2, lines 25-41; col. 5, lines 5-15).

Regarding claim 9, the network game terminal unit according to claim 4, wherein said synthesizing section synthesizes the telephone message data transmitted from other players (col. 5, line 29 – col. 6, line 16) and the musical sound data transmitted from a managing server (i.e. server E in Fig. 1 and Fig. 3) and transferred to the player (col. 4, lines 1-21;).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heredia, as applied to claim 4, and in further view of U.S. Pat. No. 6,782,281 by Nagasawa.

Regarding claim 5, the network game terminal unit according to claim 4, wherein Heredia discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section previously accumulated therein to the synthesizing section in response to an instruction from the sorting section (col. 2, lines 27-41; col. 5, lines 11-15; col. 8, lines 31-55).

Heredia does not disclose an in-coming call dial tone.

Nagasawa discloses a game terminal unit (Fig. 6) having a communication tool enabling a telephone (col. 4, line 61 – col. 5, line 31), wherein a voice receiving section of the terminal

Art Unit: 2614

unit comprises: a game communicating section (col. 3, lines 60-65). Wherein Nagasawa discloses the voice receiving section in the terminal unit further comprises an in-coming call transmitting section for sending a in-coming call dial tone previously accumulated therein (col. 6, lines 39-47).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the network game terminal unit of Heredia to include an in-coming call dial tone as taught by Nagasawa. One of ordinary skill in the art would have been lead to make such a modification to alert a player of a network game terminal unit of an incoming call while a game is enabled on the network game terminal unit.

Regarding claim 8, the network game terminal unit according to claim 5, wherein Heredia in view of Nagasawa discloses when the sorting section determines that the received telephone message data does not include the prespecified IP address, the telephone message data is aborted or an instruction for transmission of a dial tone to the in-coming call transmitting section (Heredia: col. 2, lines 34-36; col. 5, lines 5-15; col. 8, lines 36-55; Nagasawa: col. 6, lines 39-47).

Regarding claim 10, the network game terminal unit according to claim 8, Heredia further comprising means for selectively communicating with the plurality of players including one to one and one to all the players (col. 2, line 66 – col. 3, line 4; col. 6, lines 43-49; col. 8, lines 13-17).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

11. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/
Examiner, Art Unit 2614
February 28, 2009